

**REMARKS**

Claims 1-10 are now pending in this application. Claims 1-6 are rejected. Claims 1-5 are amended herein to clarify the invention. Claims 7-10 are added. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stein. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Comparing the invention according to the amended claim 1 (hereinafter "the present invention") to the invention described in Stein (DE3618464), the distinctive features of the present invention are, *inter alia*, the following:

a data generation device for alternatively generating operating data including the identification information and the drive control information for controlling operations of the drive or

rewriting data including the identification information for changing the identification information for the drive in accordance with operations of the input unit performed by a user and the command information; ... and

a transmission-section change device for setting which of the first and second transmission sections from which the data is transmitted in accordance with whether the operating data or the rewriting data is generated by the data generation device so that the operating data for controlling operations of the drive will be transmitted from the first transmission section and the rewriting data for changing the identification information for the drive will be transmitted from the second transmission section.

Because of the above features, in accordance with user operation, operating data for controlling operations (hereinafter "the control data"), such as setting the speed or direction of movement of a drive (a toy locomotive in the embodiment example) or the rewriting data for changing the identification information stored in the drive (hereinafter "the change data") is generated alternatively by the data generation device, and when the control data is generated the generated control data is transmitted from the first transmission section, and when the change data is generated the generated change data is transmitted from the second transmission section. Therefore, the user can select either one of the control data or the change data generated by the common data generation device to be transmitted by a respective one of the first and second transmission sections. As a result of the above claimed configuration, even if the first transmission section and the second transmission section are close to each other, each of the two types data can be transmitted separately from a different transmission section.

The remote-control system of the present invention is a system where one transmitter can be corresponded to plural drives. It could happen that the drive to be controlled is different from the drive which is to receive the data for the changing identification information. Even in such case, the control data can be transmitted to the drive for controlling and the change data can be transmitted to the drive for changing identification information steadily. Thereby, for example, after the user starts to control a drive A, he/she can add easily a drive B as an object to be controlled besides the drive A.

According to the abstracts of Stein, Stein fails to disclose and teach the above features for generating and transmitting alternately data for control and data for identification change in accordance with the user operations. Therefore, the change data and the control data could be transmitted at the same time since there is no generation section which alternatively produces the claimed operating data and rewriting data. It could happen that the identification information of the drive A would be changed by the change data which has been originally transmitted to the drive B. Accordingly, it can be supposed that the remote-control system of Stein is the system where the drive for controlling and the drive for changing identification information are always same, that is, one transmitter corresponds to only one drive.

In the remote-control system of Stein, the above features for the system including a transmitter corresponding to plural drives are not necessary. As is apparent from the schematic block diagrams, the auxiliary transmitter 14 only receives data from the address unit 8 while the main transmitter 6 receives information from both the address unit 8 and the information unit 10. The address unit 8 does not alternative put our address information and the information unit 10 does not posses alternate operation modes regarding control and rewriting data.

With regard to claim 2, the Stein reference fails to disclose the physical locations of the transmitters since the reference only provides schematic block diagrams which are not representative of actual physical position of parts.

In view of the above, it is respectfully submitted that claims 1 and 2 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1 and 2 and their allowance are respectfully requested.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 3 and 4 are rejected as obvious over Stein in view of Burgman under 35 U.S.C. §103(a). Claims 3 and 5 are rejected as obvious over Stein in view of

Shinozuka under 35 U.S.C. §103(a). Claim 6 is rejected as obvious over Stein in view of Lindmayer under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary references do not provide the teaching noted above with respect to the anticipation rejection that is absent from the primary Stein reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 3-6 and their allowance are respectfully requested.

#### **NEW CLAIMS ADDED**

Dependent claims 7-10 are added and are submitted as patentable over the cited art of record and are submitted as patentable based on the subject matter cited therein in addition to the subject matter of their respective base claims. In particular, claim 8 provides a configuration wherein charging and rewriting data can be simultaneously effect. Furthermore, claim 7 and 9 provide that the lid

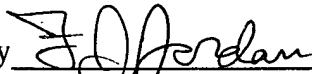
blocks infrared radiation which allow as the use to rewrite data to a drive without affecting other drives. Finally, claim 10 recites that the rewriting data and the operating data share a common format and that the command data determines whether rewriting is to be effected

**TIME EXTENSION REQUEST**


Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By   
Frank J. Jordan  
Reg. No. 20,456  
Attorney for Applicants

By and,

  
By Herbert F. Ruschmann  
Reg. No. 35,341  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

## APPENDIX I

### ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A transmitter used for a remote-control system, the system being capable of separately controlling a plurality of drives, the transmitter comprising:

an input unit for accepting identification information of one of a plurality of possibilities for transmission to and storage in a drive of the plurality of drives, command information for effecting rewriting of the identification information in the, and drive control information for operating the drive;

a data generation device for alternatively generating operating data including the identification information and the drive control information for controlling operations of the drive or rewriting data including the identification information for changing the identification information for the drive in accordance with operations of the input unit performed by a user and the command information;

a transmission device including a first transmission section and a second transmission section whose transmission-destination areas are different from each other and capable of transmitting the data generated through the data generation device from the first and second transmission sections; and

a transmission-section change device for setting which of the first and second transmission sections from which the data is transmitted in accordance with whether the operating data or the rewriting data is generated by the data generation device so that the operating data for controlling operations of the drive will be transmitted from the first transmission section and the rewriting data for changing the identification information for the drive will be transmitted from the second



transmission section.

2. (Original) The transmitter according to claim 1, wherein the second transmission section is provided on a front side of a casing of the transmitter, while the first transmission section is provided on a back side thereof, when the transmitter is viewed from the user.

3. (Currently Amended) The transmitter according to claim 1, wherein a concave portion capable of housing the drive is formed in a transmitter casing and the second transmission section is provided in the concave portion such that the rewriting data is transmitted to the drive when the drive is in the concave portion.

4. (Currently Amended) The transmitter according to claim 3, wherein the concave portion has a lid for closing the concave portion while housing the drives.

5. (Currently Amended) The transmitter according to claim 3, wherein charge terminals for charging a power-source battery of the drive are provided in the concave portion such that charging is effected while the rewriting data is transmitted to the drive when the drive is in the concave portion.

6. (Original) The transmitter according to claim 1, wherein the first and second transmission sections serve as infrared-radiation-emitting sections.

7. (New) The transmitter according to claim 4, wherein the second transmission section is an infrared-radiation-emitting section and the lid blocks infrared transmissions.

8. (New) The transmitter according to claim 4, wherein charge terminals for charging a power-source battery of the drive are provided in the concave portion such that charging is effected while the rewriting data is transmitted to the drive when the drive is in the concave portion.

9. (New) The transmitter according to claim 8; wherein the second transmission section is an infrared-radiation-emitting section and the lid blocks infrared transmissions.

10. (New) The transmitter according to claim 1, wherein the operating data and the rewriting data each commonly formatted to include sections for accommodating the identification information, the drive control information, and the command information and the command information indicates whether data storage is to be effected.